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Stormwater/Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Dewitt Landfill Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Eaton-Moery Environmental Services, Inc. (“Eaton”) entered into a May 20th Consent Administrative Order (“CAO”) addressing alleged stormwater/wastewater violations. See LIS No. 21-046.

The CAO provides that Eaton operates a Class I Landfill (“Landfill”) in Dewitt, Arkansas.

The Landfill is stated to discharge uncontaminated stormwater to La Grue Bayou and eventually to the White River. Such landfill is stated to be related pursuant to a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit.

DEQ is stated to have issued NPDES Sanitary Landfill Runoff General Permit (“General Permit”) with an effective date of March 1, 2015. Coverage is stated to have been issued under this General Permit to the landfill with an expiration date of February 28, 2020.

The General Permit is stated to require Eaton to submit a Recertification Notice of Intent (“NOI”) prior to the effective date of the renewal General Permit. Such Recertification NOI should have been submitted no later than January 31, 2020. The Landfill is stated to have been operated beyond the expiration date of the permit (February 28, 2020).

Eaton submitted Recertification NOI to DEQ on November 23, 2020. The CAO therefore provides that Eaton did not submit a complete Recertification NOI by February 29, 2020, therefore constituting a violation.

DEQ is stated to have conducted a Compliance Evaluation Inspection of the Landfill on July 31, 2019, which allegedly documented the following violations:

- Respondent does not have an operator with a Basic Industrial Wastewater Operator License.
- Leachate is seeping from the landfill and flowing into the stormwater ponds.
- The stormwater pond levees are not being maintained as evidenced by erosion and woody vegetation on the levees.

Eaton is stated to have submitted a response to the July 31, 2019, inspection. Such response is stated to have provided an adequate response with a timeline for corrective actions to correct the documented violations. Further, Eaton's consultant is stated to have submitted an email requesting a penalty reduction from DEQ. The email is stated to have indicated the Landfill would repair the stormwater levees and complete the repairs to stop the leachate seeps.

The CAO requires that Eaton comply with the NPDES Sanitary Landfill Runoff General Permit until either the effective date of coverage under such permit or the effective date of the termination of permit coverage.

Within 60 calendar days of the effective date of the CAO Eaton is required to submit documentation demonstrating that the corrective actions listed in Eaton's prior response have been completed. In addition, within 30 calendar days of the effective date of the CAO and prior to any discharge from the stormwater ponds, Eaton is required to submit to DEQ laboratory analysis results demonstrating that no leachate constituents are present in the stormwater ponds.

A civil penalty of \$1,000 is assessed of which \$750 is conditionally suspended if Eaton fully complies with the CAO.

A copy of the CAO can be downloaded [here](#).